

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

033339/313045

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
TO BE ASSIGNED

INTERNATIONAL APPLICATION NO.

PCT/FR04/03309

INTERNATIONAL FILING DATE

12/20/04

PRIORITY DATE CLAIMED

12/23/03

TITLE OF INVENTION

FOOD PRODUCT CONTAINING LACTIC BACTERIA GRANULES

APPLICANT(S) FOR DO/EO/US

Philippe Teissier

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). This submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 To 20 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification (CLEAN AND MARKED UP COPIES)
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information: _____

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) TO BE ASSIGNED		INTERNATIONAL APPLICATION NO. PCT/FR04/03309		ATTORNEY'S DOCKET NUMBER 033339/313045	
<input checked="" type="checkbox"/> The following fees are submitted:					
21. <input checked="" type="checkbox"/> Basic national fee				\$	300.00
22. <input checked="" type="checkbox"/> Examination fee				\$	200.00
If the written opinion prepared by ISA/US or the International preliminary examination report prepared by the IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$	0.00
All other situations.....				\$	200.00
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(h))				\$	500.00
If the written opinion of the ISA/US or International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$	0.00
Search Fee (27 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Search Authority.....				\$	100.00
Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....				\$	400.00
All other situations.....				\$	500.00
TOTAL OF 21, 22 and 23				\$	1,000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
24 - 100 = -76	-76/50 = 0	0	0 x \$250.00	\$	0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration later than the date of commencement of the national stage (37 CFR 1.492(h)).				\$	0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	22-20 =	2	2 x \$ 50.00	\$	100.00
Independent Claims	1 - 3 =	0	0 x \$ 200.00	\$	0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	\$ 360.00	\$ 0.00
TOTAL OF ABOVE CALCULATIONS				\$	1,100.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+	\$ 1,100.00
SUBTOTAL				\$	1,100.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	0.00
TOTAL NATIONAL FEE				\$	1,100.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	0.00
TOTAL FEES ENCLOSED				\$	1,100.00
				Amount to be Refunded:	\$
				Charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 16-0605 in the amount of \$1,100.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0605. A duplicate copy of this sheet is enclosed.</p>					
<p>Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</p>					
<p>SEND ALL CORRESPONDENCE TO:</p> <p>(Raymond O. Linker, Jr.)</p> <p>Raymond O. Linker, Jr.</p> <p>Registration No. 26,419</p> <p>Alston & Bird LLP</p> <p>Bank of America Plaza</p> <p>101 South Tryon Street, Suite 4000</p> <p>Charlotte, NC 28280-4000</p> <p>Tel Charlotte Office (704) 444-1000</p> <p>Fax Charlotte Office (704) 444-1111</p> <p>Customer Number 00826</p>			<p>ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JUNE 23, 2006.</p>		